

Report Date: February 23, 2012

## United States District Court

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

for the

FEB 24 2012

## Eastern District of Washington

JAMES R. LARSEN, CLERK  
YAKIMA, WASHINGTON DEPUTY**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Robert H. Smith, III

Case Number: 2:07CR00103-001

Last Known Address of Offender:

, Spokane, WA 99201

Name of Sentencing Judicial Officer: The Honorable Fred Van Sickle, Senior U.S. District Judge

Date of Original Sentence: 07/16/2008

Original Offense: Felon in Possession of a Firearm and Ammunition, 18 U.S.C. §§ 922(g)(1) and 924

Original Sentence: Prison - 30 Months; TSR - 36 Months Type of Supervision: Supervised Release

Asst. U.S. Attorney: Aine Ahmed Date Supervision Commenced: 12/29/2010

Defense Attorney: Jaime Hawk Date Supervision Expires: 12/28/2013

**PETITIONING THE COURT****To issue a warrant.**

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number    Nature of Noncompliance1            **Mandatory Condition # 2:** The defendant shall not commit another Federal, state, or local crime.

**Supporting Evidence:** On October 10, 2006, Mr. Smith was convicted of lewd and lascivious acts upon a child under 16 years of age by the Escambia County Circuit Court, Pensacola, Florida, case no. 1996-CF-1905. As required, based on this conviction, Mr. Smith registered his approved release address, , Spokane, Washington, with the Spokane County Sheriff's Department on or about January 21, 2012.

On February 22, 2012, the undersigned officer discovered that Mr. Smith had moved from his approved residence at the , Spokane, Washington, on or about January 12, 2012. Contact with the Spokane County Sheriff's Sex Offender Registration Department that same day revealed that Mr. Smith had failed to notify them of any change in address. At the current time, no charges have been filed; however, an investigator has been assigned. Per RCW 9A.44.132, Mr. Smith's failure to notify the Spokane County Sheriff's Department of his change in address may constitute a Class C felony.

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**Standard Condition # 2:** The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month.

**Supporting Evidence:** On February 3, 2012, Mr. Smith submitted his monthly report, covering his activities for the month of January 2012, to the U.S. Probation Office. On that report, Mr. Smith listed his residence as \_\_\_\_\_, Spokane, WA 99201. This address corresponds with his approved residence at the \_\_\_\_\_. On February 22, 2012, staff from the \_\_\_\_\_ confirmed that Mr. Smith moved out of that facility on January 12, 2012.

Additionally, on his monthly report submitted February 3, 2012, Mr. Smith indicated that he remained a full-time student. Contact with campus security at the Spokane Community College on February 23, 2012, revealed that Mr. Smith has not attended class since the first week of the semester (January 4 to 6, 2012) and it appears that he has withdrawn from enrollment.

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**Standard Condition # 6:** The defendant shall notify the probation officer at least 10 days prior to any change in residence or employment.

**Special Condition # 14:** You shall live at an approved residence, and shall not change your living situation without advance approval of the supervising officer.

**Supporting Evidence:** On February 3, 2012, Mr. Smith submitted his monthly report, which covers his activities for the month of January 2012, to the U.S. Probation Office. On this report, Mr. Smith listed his residence as \_\_\_\_\_, Spokane, WA 99201. This address corresponds with his approved residence at the \_\_\_\_\_. On February 22, 2012, staff from the \_\_\_\_\_ confirmed that Mr. Smith moved out of that facility on January 12, 2012.

The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the defendant to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 02/23/2012

s/M.D. Elvin

M.D. Elvin  
Deputy Chief U.S. Probation Officer

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THE COURT ORDERS

- No Action
- The Issuance of a Warrant
- The Issuance of a Summons
- Other



Signature of Judicial Officer

February 23, 2012

Date